



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

LANCE R. BISHOP S.R.

Plaintiff,

COMPLAINT

CIVIL ACTION NO.

v.

Jury Trial Demanded

SERGEANT PATRICK STOTLER

Defendant.

9:21-cv-1027 (GLS/DJS)

In his Individual and Official Capacity

I. COMPLAINT

I, plaintiff, Lance R. Bishop Sr. pro se, for complaint states as follows:

II. PARTIES, JURISDICTION AND VENUE

1. Plaintiff Lance R. Bishop Sr. was confined at Clinton Correctional Facility from August 14, 2019 to present.

2. Plaintiff, Lance R. Bishop Sr. is and was at all times mentioned herein, an adult citizen of the United States and resident of the State of New York.

3. Defendant Sgt. Patrick Stoller was at all times herein Sergeant who is employed at Clinton Correctional Facility.

4. This action arises under and is brought pursuant to 42 U.S.C. §1983 to remedy the deprivations, under the color of State law, of rights guaranteed by the First Amendments to the United States Constitution. This Court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1333.

III. PREVIOUS LAWSUITS BY PLAINTIFF

5. Plaintiff has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his imprisonment except BISHOP v. PRESSER 2019 WL 442154.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. All CORC Decisions are annexed as Exhibit 1.

V. STATEMENT OF CLAIM

7. At all relevant times herein, defendant is "persons" for purpose of 42 U.S.C. §1983 and acted under the color of law to deprive plaintiff of his Constitutional rights as set forth more fully below.

VI. STATEMENT OF FACTS

8. On February 22, 2020, I went to the west side messhall for breakfast. While in line I saw a fellow inmate I knew from my childhood. I was surprised to see him so I walked in front of other inmates that were in line to greet my friend with a handshake. I was then told to "get back in line" by an officer. I went back with no issues. I then got my food, and proceeded to sit down. I was directed by one officer to take a specific seat. Then another officer directed me to take another seat. At this point I grew frustrated. However I complied with each directive that was given. I guess Sgt. Stotler did not like my attitude because he approached me and requested my I.D. Stating in relevant part that "you won't be going to the yard today" I replied "get the Hell out my face" while I gave him the I.D. me and my gallery were then instructed to exit the messhall. While leaving I was trying to get a look at Sgt. Stotler's name tag. He noticed me looking and said "Get the name right it's" something I couldn't understand at the time. I said "I will be writing you up for harassment!" he said again "get the name right". I was then stop by 3 or 4 C.O.'s and was directed to put my hands up on the wall. One C.O. asked me "what happened" I told him. I was then told to go back to my cell.

I went back to my cell, wrote the grievance on Sgt. Stotter. While in my cell, I had a Porter drop the letter in the mail box. About an hour later, my cell did not open for yard. About 10 - 15 minutes later, an officer came around for go around list. I put down for Messhall again. I was told that I was keep locked.

On February 23, 2020 I was given a Misbehavior Report Tier II charging me with Creating a Disturbance, Harassment, and Refusing Direct Order written by C.O. Stotter. Everything written by Sgt. Stotter was false and in retaliation to me informing Sgt. Stotter of my ensuing grievance.

On March 5, 2020 I filed another grievance on Sgt. Stotter for retaliation after being found not guilty of the false Misbehavior Report on March 4, 2020.

After the procedural time had passed I filed another grievance on March 19, 2020 for violations of the Code of Ethics. On 7/29/20 I wrote to the IGP supervisor and CORC alleging violations of the code of ethics. On August 17, 2020 IGP Supervisor informed me that both my grievances were consolidated and I was issued a C.O.R.C. decision on 6/4/20

ANNEXED AS EXHIBIT (A): GRIEVANCE DATED 2/22/20, MBR DATED 2/22/20

IRE NOTIFICATION FOR DVD FOI # A-0511-21; 3/5/20 GRIEVANCE; 3/19/20

GRIEVANCE MEMO FROM IGP SUPERVISOR 8/17/20

COUNT ONE: RETALIATORY TREATMENT FOR FILING GRIEVANCE

9. Almost immediately after informing Sgt. Stotter that I was going to write a grievance on him for harassment, Sgt. Stotter wrote a false misbehavior report, in retaliation, thus violating my First amendment rights to free speech.

VII. PRAYER FOR RELIEF

10. WHEREFORE Plaintiff request \$ 1,100 for compensatory damages for keep-lock time spent for the issuance of the false misbehavior Report by Sgt. P. Stotter

Respectfully,



Lance R. Bishop

I declare under penalty of perjury that the foregoing is true and correct.

Date: 9/13/21